

3534. Misbranding of Kennedy's Mixture. U. S. v. 3 Cases * * *. (F. D. C. No. 31183. Sample Nos. 917-L, 918-L.)

LABEL FILED: June 8, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 30 and May 14, 1951, by the York Drug Store, from York, S. C.

PRODUCT: 3 cases, each containing 36 8-ounce bottles of *Kennedy's Mixture* at Charlotte, N. C.

LABEL, IN PART: (Bottle) "Kennedy's Mixture Active Ingredients: Sodium Citrate and Bismuth Subnitrate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article, namely, in the form letter wrapped around each bottle, were false and misleading since the article was not effective in the treatment of the conditions stated and implied and would not fulfill the other promises of benefit made for it: "also for irritated and ulcerated conditions of the stomach and duodenal tract. I firmly believe that if it is taken regularly, the inner lining of the stomach will get a protective coating which will help wonderfully towards a return to normal conditions. * * * Good health is a great blessing, so make an effort to restore it * * *."

DISPOSITION: July 12, 1951. Default decree of condemnation and destruction.

3535. Misbranding of Domogyn vaginal douche powder. U. S. v. 79 Cans, etc. (F. D. C. No. 30936. Sample Nos. 9718-L, 9723-L, 9724-L.)

LABEL FILED: May 1, 1951, Northern District of Illinois; libel amended on or about May 25, 1951.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and April 24, 1951, by Dome Chemicals, Inc., from New York, N. Y.

PRODUCT: 79 1-pound cans and 64 4-ounce cans of *Domogyn vaginal douche powder* at Chicago, Ill. Analysis indicated that the product consisted essentially of aluminum sulfate, calcium acetate, boric acid, starch, and a wetting agent.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "therapeutic douche for * * * leukorrhea and common forms of vaginitis" was false and misleading since the article was not effective in the treatment of these conditions; and, Section 502 (c), the information required by Section 502 (e) (2) to appear on the label, namely, the common or usual names of the active ingredients, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since it appeared in very small type, part of which was on each of two side panels of the label.

DISPOSITION: July 31, 1951. Default decree of condemnation and destruction.

3536. Misbranding of ozone generators. U. S. v. 17 Devices, etc. (F. D. C. No. 31329. Sample Nos. 12797-L, 12805-L.)

LABEL FILED: July 9, 1951, District of New Mexico.

ALLEGED SHIPMENT: On or about April 11 and 25, 1951, by A. F. Peavey, from Tucson, Ariz.

PRODUCT: 17 *ozone generators* at Albuquerque, N. Mex., together with a number of folders entitled "Bulletin 11" and "Bulletin 12" and a number of sales manuals entitled "Dr. O. M. Justice."

The device consisted of 8 tubes, 4 of which fluoresce blue and 4 of which fluoresce orange when activated by an electric current, together with the electrical mechanism to activate the tubes.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying folders and sales manuals were false and misleading. The statements represented and suggested that the ozone produced by the device protects from air-transmitted disease, neutralizes carbon monoxide, increases the oxyhemoglobin in the blood, rids the body of disease, and restores vitality, strength, health, and vigor; and that the device was effective in the treatment of anemia, asthma, arthritis, all diseases of the respiratory organs, bronchitis, catarrh, chlorosis, colds, colibacillosis, constipation, corns, cramps in legs, feet, and arms, dyspepsia, eczema, fatty tumors, fistula, gall bladder trouble, gas poisoning, hay fever, headache, heart trouble, hemorrhoids, influenza, insomnia, inactive liver, inactive kidneys, liver spots, migraine, melancholia, mucous colitis, neurasthenia, nerves, osteomyelitis, paralysis of the face, disorders of the prostate, psoriasis, rheumatic pains, sinusitis, syphilis in any stage, tuberculosis, varicose veins, whooping cough, and many other ailments. The device was not capable of fulfilling the promises of benefit made for it, and it was not effective in the treatment of the diseases stated and implied.

DISPOSITION: September 4, 1951. Default decree of condemnation. The court ordered that the devices be turned over to the Food and Drug Administration.

3537. Misbranding of ultraviolet lamps. U. S. v. 2 Devices * * *. (F. D. C. No. 30398. Sample No. 24491-L.)

LIBEL FILED: January 24, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 20, 1950, by Sun-Kraft, Inc., from Chicago, Ill.

PRODUCT: 2 *ultraviolet lamps* at Jamaica, N. Y. Examination of the device showed that it consisted of a cold-quartz type lamp mounted on a metallic base and equipped with a timing mechanism. Examination indicated further that the lamp would emit ultraviolet radiations of a comparatively low intensity.

LABEL, IN PART: "Sun-Kraft Cold-Quartz Ultra-Violet and Ozone Apparatus."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying booklet entitled "How to Use Your Sun-Kraft" were false and misleading. The statements represented and suggested that the device was an adequate treatment for many different types of skin diseases, such as acne, psoriasis, many varieties of eczema, scalp conditions, and skin tuberculosis, and for skin ulcers and slow healing wounds. The device was not an adequate treatment for such conditions.

DISPOSITION: August 21, 1951. Default decree of condemnation and destruction.

3538. Misbranding of O. R. O. U. S. v. 47 Bottles, etc. (F. D. C. No. 31322. Sample No. 15988-L.)

LIBEL FILED: July 3, 1951, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about March 6, 1951, by O. O. Roberts, from Fort Worth, Tex.